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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/844,537	04/27/2001	Robert W. Baxter	9266-2	3743
20792	7590	08/23/2004	EXAMINER	
MYERS BIGEL SIBLEY & SAJOVEC			CORRIELUS, JEAN M	
PO BOX 37428			ART UNIT	
RALEIGH, NC 27627			PAPER NUMBER	

2172

DATE MAILED: 08/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/844,537

Applicant(s)

BAXTER ET AL.

Examiner

Jean M Corrielus

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 6/25/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 12-16 and 23-27 is/are rejected.
- 7) ☒ Claim(s) 6-11, 17-22 and 28-33 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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### **DETAILED ACTION**

1. This office action is in response to the request for consideration filed on June 25, 2004, in which claims 1-33 are presented for further examination.

#### ***Response to Arguments***

2. Applicant's arguments filed June 25, 2004 have been fully considered but they are not persuasive. (see Examiner's remark).

#### ***Claim Rejections - 35 U.S.C. ' 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5, 12-16 and 23-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eidson US Patent no. 5,923,557.

As to claims 1, Eidson discloses the claimed limitations "storing a command for the controller in a database, wherein the command is selected from a group of commands consisting of a write command that is configured to write a value of a real-time process control variable to the controller and read command that is configured to read a value of a real time process control variable from the controller" as the means wherein the information in the database includes a set of device specific information for each of the process control devices detected by the mapping

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processor, wherein the device specific information for a particular process control device includes information such as the number of variables associated with the process control device, the triggering requirement, wherein in general, each variable associated with a process control device maps to a channel (col.4, lines 55-65). Eidson does not explicitly disclose the use of detecting the stored command in the database. Eidson, however discloses the use of obtaining a set of information pertaining to the process control wherein the information described the process control according to the predetermined device oriented protocol that corresponds to the standard interface (col.2, lines 55-62; col.4, lines 28-40 and 55-65), wherein the information in the database includes a set of device specific information for each of the process control devices detected by the mapping processor (col.4, lines 55-65). Eidson discloses also the use of “sending the detected command to the controller” as a way of passing the information to the mapping processor which writes it into the database (col.6, lines 3-32). Therefore, it would have been obvious to one of ordinary skill in the art of data processing, at the time the present invention was made to modify the teachings of Eidson, wherein the process control system, provided therein (See Eidson’s fig.3) would incorporate the use of detecting the stored command in the database, as the same conventional manner of detecting the device connected to the field bus depends on the predetermined protocol of the field bus, as disclosed by Eidson (col.2, lines 55-62; col.4, lines 28-40 and 55-65). Such modification would provide Eidson’s system the enhanced computing ability for enabling the application controller to communicate with the process control, thereby controlling the correspondence process control and decreasing the difficulty and cost of maintaining the process control system securing information delivery.

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As to claims 2, Eidson discloses the claimed limitation “verifying that the stored command is a valid command for the controller” as obtaining information such as the triggering requirement (col.5, lines 22-29).

As to claims 3, Eidson discloses the claimed limitations “sending a write command that is configured to write a first value of a first real-time process control variable to the controller” by writing the interface specific configuration information in the device oriented interface database with appropriate values (col.5, lines 15-20); and “sending a read command that is configured to write a first value of a first real-time process control variable to the controller responsive to sending the write command that is configured to write the first value of the first real time process control variable to the controller” as reading the device specific information from the device dictionary and writing it to appropriate entries in the device oriented interface database (col.5, lines 43-47).

As to claims 4, Eidson discloses the claimed limitations “receiving a response from the controller responsive to sending the retrieved command to the controller” (col.6, lines 1-7); and “updating a status of the retrieved command sent to the controller in a command table in the database to indicate whether the retrieved command sent to the controller succeeded or failed” as updating the dictionary server attached to field bus as new process control device become available or modified in term of device specific information (col.5, lines 61-64).

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As to claims 5, Eidson discloses the claimed limitation “updating the current value associated with the first real time process control variable in a tag in the table in the database with the first real time process control variable read from the controller responsive to receiving the response from the controller” as updating the dictionary server attached to field bus as new process control device become available or modified in term of device specific information (col.5, lines 61-64).

As to claims 12-16:

Claims 12-16 are for system claims performing the methods of claims 1-5. They are similarly rejected.

As to claims 23-27

Eidson has computer program embedded in the computer can be used to performed Claims 23-27 are for computer readable medium containing instructions performed by the methods of claims 1-5. They are similarly rejected.

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***Allowable Subject Matter***

5. Claims 6-11, 17-22 and 28-33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Reason for Indicating Allowable Subject Matter***

6. The present application has been thoroughly reviewed. Upon extensive and exhaustive searches of various databases (see search notes in case jacket), the examiner respectfully submits that the claimed feature --providing a tag table in the database that comprises definitions of a plurality of real time process control variables, wherein each of the plurality of real time process control variables is associated with a monitoring frequency and a current value; periodically sending a read command that is configured to read a value of a real-time process control variable for respective ones of the plurality of real time process control variables from the controller based on the respective monitoring frequencies; and updating the respective current values for respective ones of the plurality of real time process control variables with the respective values of the real time process control variables read from the controller-- in the method, system and computer program of claims 6, 17 and 28 respectively and in conjunction with all other limitations of the dependent and independent claims would not found anticipated or obvious over the prior art made of record.

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**Remark**

(A). Applicant asserted that Eidson does not disclose or suggest storing a command for a controller in a database where the command is selected from a write command that is configured to write a value of a real-time process control variable to the controller and a read command that is configured to read a value of a real time process control variable from the controller. The examiner disagrees with the precedent assertion. However, when read and analyzed in the light of the specification, the invention as claimed does not support applicants' assertion. Moreover, the claims do not capture the essence of the invention as argued in applicants' remark pages 5-6. It is important, applicants are interpreting the claims very narrow without considering the broad teachings of the reference used in the rejection. In the last office action, the examiner went through the claims phrase by phrase and referred to the prior art column and line number as to where he has drawn the correspondences between applicants' claims phrases and prior art. By failing to address these correspondences, applicants have failed to rebut the examiner's prima facie case of obviousness uses for a different purpose which does not alter the conclusion that its use in a prior art device would be prima facie obvious from the purpose disclosed in the reference. Moreover, Eidson discloses the use of storing in a database a set of device specific information for each of the process control devices detected by the mapping processor, wherein the process control devices includes specific information for a particular process control device such as the number of variables associated with the process control device and the triggering requirements, wherein in general, each number variable associated with a process control device maps to a channel (col.4, lines 55-65). Furthermore, the examiner has acknowledged during the



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course of the examination that Eidson does not disclose the use of “providing a tag table in the database that comprises definitions of a plurality of real time process control variables, wherein each of the plurality of real time process control variables is associated with a monitoring frequency and a current value; periodically sending a read command that is configured to read a value of a real-time process control variable for respective ones of the plurality of real time process control variables from the controller based on the respective monitoring frequencies; and updating the respective current values for respective ones of the plurality of real time process control variables with the respective values of the real time process control variables read from the controller”, which is the novelty feature of the invention. The applicants are reminded that the examiner is entitled to the broadest reasonable interpretation of the claims. The Applicants always have the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater 162 USPQ 541, 550-51 (CCPA 1969). Eidson discloses the invention as broadly claimed . Hence the 35 U.S.C 103 is hereby sustained.

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*Conclusion*

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean M. Corrielus whose telephone number is (703)306-3035. The examiner can normally be reached on Tuesday - Friday (7:30 am - 5:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (703)305-9790. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jean M. Corrielus

Patent Examiner

August 25, 2004